IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 232 of 2005 (S/B)

Ex. No. I.R.L.A. No. 48838399 Second-In-Command,
91 Battalion B.S.F., C.S. Martolia,
S/o Late Trilok Singh, R/o Johar Nagar,
Bhotia Parao, Haldwani,
District Nainital. … Petitioner

Versus

1. Union of India through Secretary,
   Ministry of Home, Government of India,
   New Delhi.
2. Director General,
   Border Security Force,
   Block No. 10, C.G.O. Complex,
   Lodhi Road, New Delhi. … Respondents

Mr. K.N. Joshi, Advocate for the petitioner.

Coram: Hon. Cyriac Joseph, C.J.
Hon. J.C. S. Rawat, J.

JUDGMENT

CYRIAC JOSEPH, C.J. (Oral)

1. The petitioner was an officer in the Border Security Force. He retired on superannuation on 31.07.2004. Before his retirement, he had been promoted to the rank to Second-In-Command w.e.f. 06.01.2004. He submitted Annexure 4 representation dated 15.04.2004 to the second respondent – Director General, Border Security Force requesting that the date of promotion to the rank of Second-in-Command may be amended as 01.10.2003. While the said representation was pending, the petitioner retired from service on 31.07.2004. According to the petitioner, till date Annexure 4 representation has not been disposed of. It is also stated that Annexure 4 representation was forwarded to the second respondent on 16.04.2004 by the Commandant, 91 Battalion, B.S.F., as per Annexure 5 letter.

2. The petitioner prays for a direction to the respondents to amend the date of promotion as 01.10.2003 instead of 06.01.2004. He also prays for a direction to the respondents to decide the petitioner's representation.

3. Having regard to the facts and circumstances of the case, we deem it proper and necessary in the interest of justice to direct the second respondent to consider and pass appropriate orders in accordance with law on Annexure 4 representation of the petitioner.

4. Hence, the writ petition is disposed of with a direction that the second respondent shall consider Annexure 4 representation dated 15.04.2004 and pass appropriate orders in accordance with law as expeditiously as possible and at any rate, within a period of three months from the date of receipt of a copy of this judgment.

The petitioner may produce a copy of this judgment before the second respondent for information and compliance.

(J.C.S. Rawat, J.) **(Cyriac Joseph, C.J.)**
20.09.2005 **20.09.2005**

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